



American Federation of Television and Radio Artists

NATIONAL OFFICE

260 MADISON AVENUE • NEW YORK, NY 10016
BRANCH OF THE ASSOCIATED ACTORS AND ARTISTES OF AMERICA

212 -532-0800

FAX: 212 -532-2242

July 2, 1996

Via Federal Express

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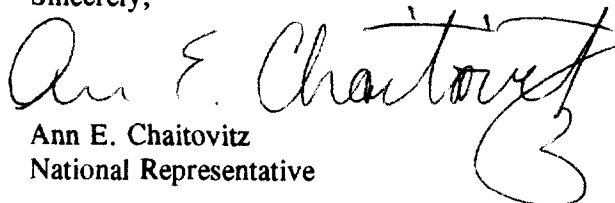
FCC MAIL ROOM

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Dear Sir/Madam:

I enclose an original and nine copies of AFTRA's comments to the Order and Notice of Proposed Rule Making, MM Docket No. 96-16.

Sincerely,


Ann E. Chaitovitz
National Representative

Encs.

cc: Belva Davis
Pam Fair
Arthur Fennell
Jack Golodner
Kim A. Roberts
Bruce A. York

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Streamlining Broadcast EEO
Rule and Policies, Vacating the EEO
Forfeiture Policy Statement
and Amending Section 1.80 of
the Commission's Rules To Include
EEO Forfeiture Guidelines

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FCC MAIL ROOM

MM Docket No. 96-16

COMMENTS OF AMERICAN FEDERATION OF TELEVISION AND RADIO ARTISTS

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I. Introduction and Summary

The American Federation of Television and Radio Artists ("AFTRA") is a national labor organization representing over 70,000 performers and newsmen who are employed in the news, entertainment, advertising, and sound recording industries. AFTRA members are seen and heard on radio and television stations throughout the United States. AFTRA's membership includes newsmen and performers employed by the three major networks and Fox, their owned and operated stations, as well as by local radio and television stations owned by independent and group owners. AFTRA maintains and enforces more than three hundred collective bargaining agreements with the major radio and television networks and local independently owned and group owned radio and television properties. AFTRA is actively involved in the myriad of issues that affect our members, including FCC issues, ownership consolidation, EEO, and health and safety (See Exhibit A).

Enforceable EEO rules are necessary to promote the dissemination of diverse views and information by insuring that a station's employees reflect the diversity of the community they serve. AFTRA's comments in MM Docket No. 96-16 address the effects of the proposed relaxation of the FCC's Equal Employment Opportunity ("EEO") requirements and the proposed forfeiture guidelines upon both the effectiveness of the EEO rules and upon diversity in the workplace and, correspondingly, in news and public affairs programming.

Based upon its experience in the television and radio industries, AFTRA believes that the Commission's stated rationales for its previous EEO guidelines -- to prevent unlawful discrimination and because a diverse workplace will promote varied views and programming ¹ -- remain a legitimate basis for analysis

¹ Order and Notice of Proposed Rule Making, MM Docket No. 96-16, at 3.

and rule making by the Commission. The current recordkeeping requirements are neither substantial nor burdensome. No evidence of burdensomeness has been presented. In addition, since broadcasters would not be relieved of their self-assessment requirements,² they will still have to maintain the same records to comply properly with the self-assessment obligations. Thus, no recordkeeping requirement is being lessened; relaxing the EEO recordkeeping requirements will actually not affect the necessity of maintaining the records but only affect the reporting of the records, which is not burdensome and is necessary to ensure compliance with the EEO policy.

While AFTRA is not opposed to clarification of the current rules to provide more predictability and certainty -- especially in the context of sanctions imposed for violation of the rules -- AFTRA believes that any diminution or relaxation of the Commission's EEO recordkeeping requirements would be contrary to its overall stated goal and adverse to the public interest.³ An EEO policy without recordkeeping requirements will have no compliance; it is only the possibility of enforcement that ensures compliance.

For reasons set forth below, AFTRA submits that a relaxation of the EEO requirements will operate to reduce the diversity of the work force and of the opinions presented, particularly in local news and public affairs programming and at smaller stations. An EEO policy that does not require the maintenance of

² Order and Notice of Proposed Rule Making, MM Docket No. 96-16, at 16.

³ AFTRA meets regularly with the networks and show producers to discuss EEO trends in employment. During these meetings, AFTRA relies on the statistics provided by the FCC; these numbers provide the only information acceptable to both sides and have proved the most effective tool to create voluntary EEO improvement. AFTRA believes that these meetings have resulted in some gains in EEO awareness and action. If the FCC no longer requires the same recordkeeping, the FCC's numbers will not be as valuable because they may no longer be as relevant or as accurate.

records necessary to permit enforcement will not be followed. AFTRA believes: 1) newsmen obtain experience that large stations require at small stations, and any relaxation of the current EEO recordkeeping requirements at small stations will prevent minorities and women from obtaining the experience required to succeed as newsmen; in addition, even a small increase in the number of employees permitted to qualify for a small station exemption from 5 to 10 will result in exempting more than half of the stations subject to the EEO rules from the recordkeeping requirements; 2) the size of the local minority labor pool is irrelevant because women typically constitute more than half of the labor force and the labor pool for broadcasters is national, not local -- broadcast station employees move around the nation from station to station and market to market depending on their career status; 3) broadcasters who meet an employment benchmark should not be relieved of their recordkeeping requirements because those broadcasters only reached the benchmark with the current EEO recordkeeping requirements, and if those broadcasters are no longer required to maintain the same effort, their minority and female employee compliments will remain stagnant or decrease; 4) the FCC's current standard to determine when to refer to an alternative labor force remains appropriate; and 5) the forfeiture amount should be even greater than \$12,500.00 as this small amount does not provide a sufficient incentive for broadcasters to comply with the EEO policy and, when compared to other types of forfeitures imposed by the FCC, implies that the FCC does not regard its EEO requirements as seriously. In addition, predictability and certainty can only be provided to broadcasters if forfeitures are routinely imposed for violations of the EEO requirements.

II. The FCC Should Not Increase The Size Of Stations That Can Qualify For The Small Station Exemption

The Commission's primary concern should be to ensure that any changes made to the small station exemption do not undermine the effectiveness of its EEO program. Only if the FCC can reduce the

recordkeeping requirements of broadcasters without reducing the effectiveness of its EEO rules and policies should the written requirements be altered.

Even now, the recordkeeping requirements are not burdensome.

When the Commission ... gave final approval to its rules, it reiterated that it did "not expect small stations to submit elaborate programs" and that the purpose of the rules is to "make the broadcaster focus on the problem." 23 F.C.C.2d at 433. It concluded the rules could "be met by all stations, large or small, with reasonable good will." Id.

Office of Communications of the United Church of Christ v. FCC, 560 F.2d 529, 534 (2d Cir. 1977).

"It is clear that elaborate programs are not expected of small stations, 23 F.C.C.2d at 433, and ... only a few hours each year would be required to complete it. [footnote omitted]" Id.

Thirty-two percent (32%) of stations subject to the Commission's EEO rules have fewer than five employees and do not have to submit detailed written EEO programs currently. If the guidelines were amended to provide this exemption to stations employing ten persons or less, an additional eighteen and a half percent (18.5%) of the stations now required to comply with the EEO rules will be exempt from the recordkeeping requirements. Thus, if the FCC increases the number of employees necessary to qualify for a small station exemption from five to ten, more than half of the stations subject to the EEO rules will be exempt from the written recordkeeping requirements. An EEO policy that does not require proof of compliance has no efficacy. ⁴

⁴ For example, despite the broadcasters' statements to the FCC that they would continue to air public affairs programs if the Fairness Doctrine were eliminated, thousands of public affairs programs across the country virtually disappeared, leaving hundreds of performers and newsmen without jobs, after the elimination of the Fairness Doctrine in 1987. Without the possibility of enforcement, public affairs programs disappeared. Likewise, without the EEO recordkeeping requirement and, therefore, the possibility of enforcement, the effectiveness of the FCC's EEO

Any change in the rule will, when applied in the real world, exacerbate an existing problem. Applicants for employment often turn to small stations to acquire the skills and experience required by larger stations. For example, Belva Davis, a TV journalist, Chairperson of AFTRA's National Equal Employment Opportunities Committee and AFTRA National Vice President, began her career at KSAN, when it was a small radio station. According to Ms. Davis, "applicants need to have experience before being hired by large stations, and historically, the only place to acquire the necessary experience was at small stations." Women and minorities are at the entry rung of the broadcasting ladder. It remains imperative, therefore, that minority and women applicants have an equal opportunity to obtain jobs at small stations -- the starting place for most newsmen.⁵ Any relaxation of the current EEO requirements at small stations will harm minorities and women when they try to get a start in the broadcasting business and will make an already difficult climb nearly impossible.

The reasons cited by broadcasters for their difficulties in recruiting minorities and women in small markets -- "low salaries and availability of mostly entry level positions; competition with communication companies in larger markets and/or with larger staffs and other local employers; and limited financial, personnel, and time resources available for recruiting" ⁶ -- are the same difficulties small stations must overcome when recruiting in general. To allow these stations to bypass efforts to recruit minorities, when the stations face these same enumerated difficulties in recruiting non-minorities, undermines the FCC's goal of maintaining compliance with the EEO policies. Thus, market size should not be a primary

policy will disappear.

⁵ "[A] study in Michigan ... indicated that stations with fewer than ten employees, which have 15.1% of the jobs in the industry, had 32% of the job opportunities and 41.7% of the entry-level job opportunities." 560 F.2d at 535.

⁶ EEO report, 9 FCC Rcd at 6305, as cited in Order and Notice of Proposed Rule Making, MM Docket No. 96-16, at 11.

consideration when deciding which stations should be relieved of EEO recordkeeping requirements.

Nor should the size of the local minority labor force be a primary consideration. The FCC recognizes that this factor does not apply to the recruitment of women because women typically represent half of the labor force. Thus, if this were a consideration, stations would be able to avoid efforts to recruit women even though they constitute a significant portion of the labor force. Further, efforts to attract minority candidates are especially important where the local minority labor force is not large. Most important, the size of the local minority labor force is irrelevant for broadcasters. In AFTRA's experience, there is no "local" labor pool for broadcasters; the broadcaster labor pool is national. Broadcast station employees, particularly those employed in news, move from station to station and market to market depending on their career status, development and opportunities (see Exhibit B).

Arthur Fennell, President of the National Association of Black Journalists, AFTRA member and TV anchor provides a typical example of the broadcaster labor market. Mr. Fennell began his career at a station in the market ranked 140 and moved across the country to larger markets before reaching his current position as a TV anchor in the number four market. Mr. Fennell moved through six different markets. According to Mr. Fennell, "the nature of the broadcasting business almost mandates that newsmen move from market to market for career enhancement. This helps to strengthen their realm of experience and provides insight into the various career opportunities available."

While AFTRA believes no change is appropriate, if the FCC insists on increasing the number of stations eligible for the small station exemption to the EEO recordkeeping requirements, no such exemption should be available to stations employing more than ten persons. In addition, the exempt stations need to remain subject to the existing reporting requirements as modified by one of the two recruiting options

listed in paragraph 24 of the Order and Notice of Proposed Rule Making. No station, including those that are currently exempt, should be exempt from the recordkeeping requirement of the EEO policy unless it satisfies the requirements of either Option 1 or Option 2 set forth in paragraph 24. Such stations, in addition to other efforts, should also be required to contact the relevant labor union for referrals of qualified female and minority candidates. In addition, stations should continue to be required to submit annual hiring information. Stations that recruit and obtain significant minority and female applicants but fail to hire these minorities and women must be noted and reviewed more closely. The submission of all information necessary to permit the FCC to continue to compare the composition of the station's workforce with the relevant labor force remains imperative.

Finally, any change to the employment threshold for required submission of detailed EEO written programs is foreclosed by Office of Communications of the United Church of Christ v. FCC, 560 F.2d 529. The Court held that the reasons previously offered by the FCC to change its EEO reporting policy -- including, the more effective use of scarce resources, the lack of need to enforce the rule as to stations with few employees or formal personnel procedures, the excessive filing burden on small stations and the continued coverage of most employees under the new policy⁷ -- were arbitrary and capricious and did not form a rational and explicit justification for a change in policy. These, however, are the exact same rationale put forward now.

III. The FCC Should Not Relieve Broadcasters Who Meet An Employment Benchmark Of The Recordkeeping Requirements

Broadcasters who meet an "employment benchmark" as discussed in paragraph 25 of the Order and

⁷ Order and Notice of Proposed Rule Making, MM Docket No. 96-16, at 15.

Notice of Proposed Rule Making must still be required to submit recruitment and hiring records. The stations have reached this benchmark because of the current EEO requirements, and any relaxation of this policy will, at best, encourage licensees to maintain a static minority and female employment profile. Based upon historical evidence, AFTRA believes that stations' minority and female complements will decrease if the stations are exempt from recordkeeping requirements.⁸ The efforts necessary to achieve this benchmark must be continued because a relaxation in such efforts will result in a corresponding decrease in employment diversity.

IV. The FCC Should Continue To Use Its Current Standard To Determine When To Refer To An Alternative Labor Force

In certain circumstances, the FCC should be permitted to evaluate a station's EEO record by reference to an alternative labor force. However, by definition, such analysis should be rare and only available to a small percent of stations. The current standard used to determine when to evaluate a station's EEO record by reference to an alternative labor force is appropriate. The third prong of this standard, that recruitment efforts directed at the MSA minority labor force have been fruitless, is the most important prong in this evaluation as it is the only part of the test which requires a station to show that it is abiding by the FCC's EEO policies. The station should be required to demonstrate affirmatively that it has repeatedly directed recruitment efforts at the minority labor force in its MSA to no avail.

⁸ Today, in Los Angeles, there are a very few regularly scheduled public affairs programs -- not even one on each network owned station. What was once a forum for diverse public opinion and a great source of local employment for minorities and women quickly vanished with the elimination of the requirement of the Fairness Doctrine.

V. The Proposed EEO Forfeiture Guidelines Should Be Increased

AFTRA approves of the proposed forfeiture guidelines and, if anything, believes that a forfeiture of \$12,500.00 does not provide a sufficient incentive to comply with the EEO policy. As Commissioner Andrew C. Barrett elucidates in his statement, the FCC implies that it does not regard its EEO requirements as seriously as its other regulations when it imposes a forfeiture of only \$12,500.00 for violations of its EEO policy but imposes drastically greater forfeitures on licensees who violate the Commission's other rules (i.e., children's programming).

The FCC correctly considers a combination of factors to determine whether a station complies with the "to recruit... so as to attract" portion of the forfeiture guidelines. The definition of "applicant" is more difficult. The FCC should adopt a uniform definition of "applicant" to provide stations with more predictability and to ensure that all stations will be treated equally. Such definition, at a minimum, should require that the individual meets the stated the minimum qualifications of the available position and is seriously considered. Perhaps the definition should require that, to qualify as an "applicant," the individual be interviewed. As the Commission presently requires, "vacancies" should only refer to full-time positions; otherwise, stations will relegate minorities and women to the less important and less lucrative part-time positions yet still receive credit for employing minorities and women.

VI. Conclusion

Adoption of clear guidelines is important to provide broadcasters more predictability and certainty with respect to sanctions to be imposed for violations of the EEO requirements. As a corollary to this, forfeitures must be routinely imposed for violations of the EEO requirements, otherwise there will be no certainty or predictability. It does not follow, however, that the FCC should relax or diminish the recordkeeping and reporting requirements of its EEO policy. To the contrary, relaxation of these requirements will diminish diversity in programming and in the workforce. "[T]he Commission's employment statistics for broadcast stations evidence only a minimal increase in the number of minority employees at broadcast stations, despite what some have considered the Commission's 'aggressive' EEO provisions." ⁸ Any relaxation of these rules will result, at best, in a static number of minorities and women in the broadcast industry workforce and, in all likelihood, will result in a decrease.

Thank you for the opportunity to present our comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kim A. Roberts', written over a horizontal line.

Kim A. Roberts
Assistant National Executive Director
American Federation of Television and Radio Artists

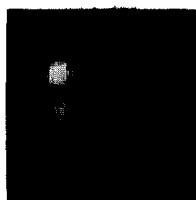
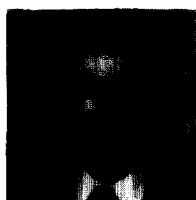
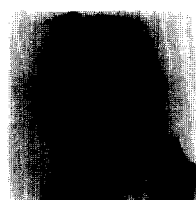
6/28/96

Date

⁸ Statement of Commissioner Andrew C. Barrett to Order and Notice of Proposed Rule Making, MM Docket No. 96-16, citing In the Matter of Implementation of Commission's Equal Employment Opportunity Rules, MM Docket No. 94-34, 9 FCC Rcd 6276, 6307 (EEO Report).

Exhibit A

AMERICAN FEDERATION OF TELEVISION AND RADIO ARTISTS



*Of course,
they all
have talent,
experience
and a mastery
of their craft.*

*What else
do they have
in common?
Like thousands of
other professional
broadcasters,
they belong to the
American
Federation of
Television
and Radio
Artists.*

top to bottom:

Ed Bradley, CBS, *60 Minutes*

Katie Couric, NBC, *Today Show*

Sam Donaldson, ABC *Prime Time Live*

Bob Edwards, *National Public Radio*

Shelby Scott, WBZ-TV, Boston

AFTRA

WORKS WITH YOU

Since 1937, broadcasters have depended upon AFTRA to provide the foundation for successful professional careers.

Today, AFTRA's membership is 77,000 strong — representing announcers, news persons, sportscasters, disc jockeys, writers, editors, technicians and performers who work in television, radio, commercials, corporate videos, cable, interactive media and the recording industry.

The broadcast industry is changing rapidly: the effects of new technology, industry economics, corporate mergers, and the blurring of lines between entertainment and news, all pose challenges for broadcast professionals.

**WHEN YOU NEED
A STABLE FOUNDATION
IN A DEMANDING PROFESSION,
AFTRA
IS THERE
FOR YOU.**

AFTRA

FOR PROFESSIONALISM

AFTRA
negotiates guaranteed minimum (but never maximum) pay scales, ensures safe and equitable working conditions. AFTRA contracts are designed to assure compensation for the unique skills and talents of AFTRA's members.

AFTRA
contracts guarantee benefits such as severance pay, vacation pay, sick leave, compensatory time for extra work, and other premiums.

AFTRA's
specialized
knowledge of the broadcast industry makes it uniquely capable to address safety issues faced by journalists and other broadcast industry employees.

AFTRA
provides procedures for impartial binding arbitration. Arbitrations can cost thousands of dollars and many days of work — AFTRA takes full legal, financial and professional responsibility for arbitrating cases.

AFTRA
testifies before the Congress, Federal Communications Commission and other federal and state government agencies on regulatory issues, equal employment opportunities and other matters affecting employment in the broadcast industry.

AFTRA

IN AN INSECURE INDUSTRY

In one year alone,

AFTRA secured hundreds of thousands of dollars for anchors and radio personalities who found themselves constructively discharged from employment.

AFTRA negotiated standards

at the major networks to ensure that evolving technology did not compromise the professionalism and journalistic integrity of network correspondents.

AFTRA's legal support

of news reporters, directors, producers and assignment editors in Dallas, Omaha, San Francisco, St. Louis and Cleveland has secured over \$300,000 in back overtime pay in court actions, administrative proceedings and negotiated settlements.

AFTRA's assistance

has been instrumental in successful discrimination lawsuits pursued by AFTRA members.

AFTRA's professional staff and legal counsel

have arbitrated and settled hundreds of cases to recover millions of dollars in compensation and benefits for its members.

AFTRA was the first

industry union to establish an employer-paid health and retirement plan for its members. The health plan provides comprehensive medical and hospital benefits, and the fully funded pension plan is both portable and among the finest in the industry.

AFTRA

AND SERVICES

Educational Seminars cover topics

such as new technology, discrimination, work place safety and personal services contract negotiations.

Scholarships are available to AFTRA members and dependents through the AFTRA Memorial Foundation and the George Heller Scholarship Fund.

Credit Unions offer loans, high-yield savings, free checking, direct deposit, low fee credit cards and other services.

Substance Abuse Treatment

Support to members and their families and counseling referrals are available to participants through the AFTRA Health Plan.

Publications The award winning *AFTRA Magazine* keeps members informed of the latest developments in the broadcast and entertainment industry. The *AFTRA Broadcast Bulletin* addresses issues of special concern to AFTRA broadcast members.

Staff Support AFTRA's professional staff assists broadcast members on professional issues, from review of personal services contracts to regulation of talent agents' conduct and other matters.

Local Programs AFTRA's various local offices offer a variety of programs which have been tailored to the needs of members in that local area.

AFTRA

WHY? AFTRA

AFTRA members actively participate in a variety of working committees which shape the environment in which they are employed. Included among AFTRA's numerous committees are:

National Equal Employment Opportunities Committee

Established to address issues relating to equal employment in the broadcast and entertainment industries, members of this Committee work to ensure that government policies and employer practices encourage diversity and fairness in broadcast employment and hiring.

National Women's Committee

This Committee works to promote fairness in employment for women in the broadcast industry of today and tomorrow.

National Broadcast Steering Committee

Established in 1992, this Committee of working newsmen and broadcast station staff members addresses issues of special concern to broadcast members working in a rapidly evolving industry.

In addition, AFTRA's professional staff works closely with national and international broadcast and entertainment industry organizations to promote and protect the interests of AFTRA's members in a globalized industry.

"The need to belong to AFTRA is greater now than ever. AFTRA offers a unified front against declining salaries, the loss of staff jobs, discrimination, the encroachment of non-journalistic duties, and it offers an unparalleled pension plan."

Dick Kay
Political Editor, NBC 5, Chicago

"AFTRA has always been there, fighting for equality of opportunity for all its members."

Belva Davis
TV news journalist,
KRON, KQED, San Francisco

"As group owners continue to consolidate their power, it becomes more important than ever for broadcasters to have effective representation. AFTRA provides that."

John Henning
Chief Correspondent,
WBZ-TV, Boston

"Being a member of the union for over ten years has always made me feel incredibly secure in my relationship with my employer. The contract sets forth a strong foundation in the specifics of my job description, therefore allowing me to focus on developing the strength to be the best I can be in my career. I am extremely proud to be a member of AFTRA!"

Talaya Trigueros
KTWV, Los Angeles

"New technologies and corporate acquisitions are changing broadcasting in ways we never dreamed of, and at a very rapid pace. AFTRA enables us to deal with these changes more effectively than if we were alone."

Bob Strickland
Channel 9, WUSA-TV, Washington, DC

THE **AFTRA**

Clip and fill out the form below, and return to :
AFTRA National Office, 160 Madison Avenue
New York, NY 10016
-800-638-6796

- ☐ Please send more information about

AFTRA

to the address listed below.

- ☐ Please have an

AFTRA REPRESENTATIVE

contact me at the telephone number
listed below.

Name _____

Place of work _____

Home address _____

Home telephone _____

Best time to be reached _____

**WE LOOK
FORWARD TO
HEARING
FROM YOU.**

Thousands of
radio and television
industry professionals
have enhanced
their careers by
JOINING AFTRA.

You, too, can join those
who have used AFTRA as the
springboard for their success.

AFTRA is a
TRADE UNION
LOCAL 341

AFTRA NATIONAL OFFICE
260 Madison Avenue
New York, NY 10016

AFTRA

ROBERTS OFFICES

New York Local
260 Madison Avenue
New York, NY 10016
(212) 725-6318

Los Angeles Local
6922 Hollywood Blvd.
Hollywood, CA 90028
(213) 467-8918

Chicago Local
75 East Wacker Drive
Chicago, IL 60601
(312) 372-8081

Washington/Baltimore Local
4340 East West Hwy.
Bethesda, MD 20814
(301) 657-2560

San Francisco Local
235 Pine Street
San Francisco, CA 94104
(415) 391-7510

Philadelphia Local
230 Broad Street
Philadelphia, PA 19102
(215) 732-0507

Boston Local
11 Beacon Street
Boston, MA 02108
(617) 742-2688

San Diego Local
7827 Convoy Court
San Diego, CA 92111
(619) 278-7695

Seattle Local
601 Valley Street, #100
Seattle, WA 98109
(206) 282-2506

New Orleans Local
2475 Canal Street
New Orleans, LA 70119
(504) 822-6568

Detroit Broadcast
(810) 391-1999

Minneapolis/St. Paul
708 North First Street
Minneapolis, MN 55401
(612) 371-9120

Pittsburgh Local
625 Stanwix Street
Pittsburgh, PA 15222
(412) 281-6767

Kansas City Local
4000 Baltimore
Kansas City, MO 64111
(816) 753-4557

Cleveland Local
1030 Euclid Avenue
Cleveland, OH 44115
(216) 781-2255

Hawaii Local
949 Kapiolani Blvd.
Honolulu, HI 96814
(808) 596-0388

Omaha Local
3000 Farnham Street
Omaha, NE 68131
(402) 346-8384

Portland Local
516 S.E. Morrison
Portland, OR 97214
(503) 238-6914

Tri-State Local
(Cincinnati, Columbus,
Dayton, OH; Indianapolis, IN;
Louisville, KY)
128 E. 6th Street
Cincinnati, OH 45202
(513) 579-8668

St. Louis Local
906 Olive Street
St. Louis, MO 63101
(314) 231-8410

Dallas/Ft. Worth
(214) 363-8300

For all other areas contact:
AFTRA NATIONAL
260 MADISON AVENUE
NEW YORK, NY 10016
(800) 638-6796

Exhibit B

THERE IS NEWS IN THE JUNGLE

BY DICK MOORE

This is the third article in a series (entitled *It's a Jungle Out There*) on how to find work in AFTRA's jurisdiction.

I haven't looked for a job in 30 years. I wouldn't know how to go about it," said a prominent newsbroadcaster who lives and works in one of the country's major markets.

His situation is fairly typical. Except for actors and other contract players on long-running series, freelance performers, who make up the bulk of AFTRA's membership, work sporadically, going from job to job. The newsbroadcaster, on the other hand, is usually "staff"—employed full time for many years by a single network or local station. News has always been considered a relatively stable field, one that broadcasters of proven experience and knowledge could rely on until they decided to retire.

Not any more. Historically, the news operations of networks and independent stations were off limits to the bean counters, who had to rely on entertainment programming to turn a profit.

News was "public service" in the days when everyone still remembered that those who use the airwaves to make money have a legal obligation to provide a public service.

The wave of mergers and acquisitions that broke over the broadcast industry a dozen years ago, coupled with the government's decision to deregulate the field, opened the newsroom to accountants. Just like every other broadcast

commodity, news was now expected to make money. Many seasoned broadcasters who, through years of work, had pushed their salaries into the high six figures suddenly discovered that their contracts were not renewed. New people, who would work for less, replaced them. And for audiences who want news that entertains, a new genre—tabloid journalism, was created.

All of this means that newsbroadcasters are seeking employment more often than they used to, and the more experienced they are, the less they may know about the job market.

One person who does know is Don Fitzpatrick, who for 20 years has been a talent broker for on-air broadcasters. For the last 13 years, he has headed Don Fitzpatrick Associates, described by Kim Roberts, AFTRA National Executive Director for News/Broadcast, as the most prominent (and perhaps the only) personnel search firm in the broadcast industry. Mr. Fitzpatrick is not an agent, not a casting director. "Just call me a headhunter," he says.

Although his company is located in San Francisco, it works with employers and broadcasters throughout the country. "We take tapes and resumes from all size markets," Mr. Fitzpatrick says. A former newsbroadcaster, he also worked as a disc jockey and program manager.

"Believe it or not, in looking for a position in 1994, you can't approach the job market the way you did even in January of 1993. The changes are constant. Years ago, when I was looking for a job right out of college, we sent tapes to the ABC, NBC and CBS affiliated stations. Now we've got FOX, a fourth network, and they're talking about a fifth and sixth network. We've got CNN ..., and every day we pick up a newspaper and see where a telephone company is getting into bed with a cable operator. ... Add to this the

broadcast satellites and it all means that there are going to be a lot more television channels, and the "good news is there will be a lot more jobs," according to Mr. Fitzpatrick. "The down side is the jobs will never pay what they paid in the early or mid '80s, because the piece of the advertising pie is being split up so many different ways."

Broadcasters will have to do some real investigation of the specialties they want to pursue, because there's "going to be the aerobics network, the putting network where, for 24 hours a day, they'll teach you how to putt better. Recently they launched the food network, and so on."

But with all this specialization, there isn't a source book that tells one where to send tapes, "so it's going to take some investigation on the part of the talent to try to find out where these things are at. I had a guy in my office recently who's a cooking nut, and he happens to be a general assignment reporter" in a major market. "Well, two years ago, there wasn't any place to try to find a job dealing with food and recipes. Today, there is.

"My suggestion would be, as you go through the job seeking process, to make a list. That may sound corny, but put down what you like to do and what you don't like to do... If you're a skiing enthusiast, there's going to be a skiing channel out there, and maybe that's one of the places you'll send your resume. Most people, once they got out of school, wanted to be the next Mike Wallace or the next Morley Safer. And those jobs will exist in the future, but maybe instead you will become the king or queen of the downhill skiing channel. You have to look at the situation a bit differently than you did even a couple of years ago," according to Mr. Fitzpatrick.

Mr. Fitzpatrick's client list includes CBS News and the CBS owned and oper-

"THE CHANGES IN THE JOB MARKET ARE CONSTANT.
"THE GOOD NEWS IS THERE WILL BE MORE JOBS.
THE BAD NEWS IS
THEY WILL NEVER PAY WHAT THEY USED TO."

ated TV stations. He also works for ESPN, and has been engaged by ABC News and NBC News. Although his firm has a heavy news emphasis, it has assisted Time-Warner on Entertainment Network Television, as well as Buena Vista Productions, Disney, Comedy Central, and numerous other employers. Not only does Don Fitzpatrick Associates find people to work as newscasters, it also finds people to be on reality-based programs and talk shows. It does not find jobs for actors.

Surprisingly, most of the audition tapes that Mr. Fitzpatrick receives are not well done. It's important, he suggests, that "people really put some time into the audition tape, because that's basically their resume to get that next job.

"A lot of these tapes are thrown together," apparently in the belief that the employer looking at it will go through the tape and pick and choose the strongest segments. But nobody will do that. Mr. Fitzpatrick warns. Just as with actors' audition tapes, the first ten seconds must be so compelling that the viewer will stay and watch the rest of it, which, in the case of news, may run five or ten, or 15 minutes.

That's not too long for a news audition tape. Once employers see what you look and sound like, and decide whether you fit into their game plan, they'll watch the rest of the tape to see if you're a good

journalist, a good writer, a good whatever. Then they may call you in for an interview, or ask for more complete examples of your work. If you're being considered for a job as an anchor in a fairly large market, chances are they will fly you in for an interview.

Every tape should contain at least some material that you have written yourself. Writing ability is more important than ever, Mr. Fitzpatrick says.

Tim Russert emphatically agrees. Mr. Russert, Senior Vice-President and Washington Bureau Chief of NBC News and moderator of *Meet the Press*, says members of the Washington press corps write all the copy. An editor in New York may say, "Hey, change this word," and help out, but they write their own copy. That's a necessity.

The way to get Mr. Russert's attention—that of NBC—is "not hard; it's fairly easy, actually. I get lots of tapes and letters and I look at all of them, because you never know just who you're going to miss." NBC also has a talent recruiter in New York and anything that interests Mr. Russert, he sends to her. She screens the tapes and contacts local news directors. "It's all done on...a very level playing field. I have found people who have come over the transom or who have agents present their credentials. After looking at the tape and reviewing someone's

resume, I will invariably bring people in for a sit-down, because I just don't want someone who is a good presenter, or flashy or lively on television who doesn't have any reporting ability. And I can find that out in a conversation rather quickly. If they are interested in coming to work in Washington, they have to know what is going on at the White House and on Capitol Hill and at the Pentagon and Justice. I don't mean detailed information, such as whether we're going to throw away a particular weapons system—anyone can learn that in time. But they have to have a general familiarity with Washington, the way it works, who the major players are, and they have to be willing to learn the busy details."

The biggest drawback Mr. Russert finds, "are people who come swaggering to Washington, who have done well in local television, and say, 'I'm great on TV, and I can do the same for you in Washington,' and haven't taken a minute or an hour or a few days just refreshing themselves on what is going on. And by that I mean not even reading the newspapers, but just trying to wing it. You see through that quickly, and we just don't have need for it.

"So I think that people who have established themselves as good, solid reporters, who have good broadcasting skills and a

continued on next page



*from left to right:
Don Fitzpatrick
Tim Russert
Bill Buzenberg*

willingness and eagerness to work hard—the work ethic is very important—then a beat assignment, have a chance in Washington. It's very competitive, but at least those things put you in the game."

Mr. Russert also suggests that job applicants' video tapes—an absolute essential—should represent a body of work—"a collection of their 'greatest hits,' their best stories. It gives me a chance to see how well they write, how well they report—not just voice-overs, not just something they tracked and put together. It's got to be a real accurate representation of some meaningful investigative or journalistic enterprising reporting; because the first thing I'm going to do is pick up the phone and call the local news director and say, 'Is this person real or not?' I even call local newspapers and ask, 'What do you know about this TV reporter? Do you respect their ability?' I really have to check someone out, because I'm responsible, ultimately, for what goes on the air from Washington," Mr. Russert said.

Mr. Russert's careful checking has paid off. The first local hire engaged by him in his capacity as NBC Washington Bureau Chief was Katie Couric who, three years later, was co-anchoring the *Today Show*, "which tells you everything. The way I spotted her was she was working at WRC-TV in Washington, and I would look up at five and six o'clock and at home at night at 11, and I would see her on the air reporting politics, reporting crime, reporting live from catastrophes, with a sense of vitality, a sense of energy, a sense of intelligence. And so I called the local news director and said I wanted to talk to her."

"So the first step is, obviously, to have some experience, either in a local market or another network, or at CNN."

It is extremely difficult to make a transition from print journalism to broadcasting, according to Mr. Russert, because the competition is so keen. One needs broadcasting skills as well as reporting ability. Still Mr. Russert's news career is, by his own account, an aberration. A lawyer who had worked in government, he joined NBC News as an executive and was for several years responsible for the *Today Show* before becoming Washington Bureau Chief.

If one has not had a great deal of on air

experience, and isn't yet ready for the Washington beat, how do you go about getting a more modest assignment in a smaller market, or even putting a decent tape together? It can be done in several ways, says Don Fitzpatrick.

One way is to have the tape produced for you, an expensive exercise that doesn't always produce desired results. Mr. Fitzpatrick suggests coming up with an idea and pitching it to a local cable channel, then arranging to use their equipment and their time to put a tape together. Also, many larger markets—San Francisco, for example—have media coalitions—groups that help produce public service announcements, often for public stations. "You have to volunteer some time, and maybe you have to run a camera on somebody else's shoot, but often it gives you access to the equipment and the editing system you may otherwise not have," Mr. Fitzpatrick suggests.

Bill Buzenberg isn't interested in receiving photographs or video tapes because he "doesn't care what people look like." Mr. Buzenberg is Vice-President of News for National Public Radio. NPR now embraces 489 stations (up from 200 ten years ago) and has a news staff of about 150 people.

At NPR, as at other news organizations, writing ability is critical. Presentation—"voicing"—is also important ("If it's okay and can get better, that's great"). But the top priority is good writing and "the ability to convey a story in a way that keeps a listening audience awake and makes them want to hear more."

A lot of the people NPR has been hiring lately have "either been at our stations or have been filing stories for us, so we hear them on the air," Mr. Buzenberg declared. "It is increasingly important for us to have heard their work. Certainly a tape is acceptable, but the days are gone when we just hired someone and then trained them totally in radio or broadcasting."

NPR does hire reporters from the print media, but essentially it is "looking for people who can put together an in-depth radio story, more than just a news spot. We're looking for people who think about an issue, and if they submit a tape on a subject they had really done something about, that's what we're looking for." A ten minute tape is fine. "You're not going to listen to a whole half-hour

documentary, but it's nice to know, in our world, that someone has done one," Mr. Buzenberg said.

Sending a tape, a resume and a letter cold does get attention. "We go through everything that comes in." If an applicant can say, "This was on NPR," or on an NPR station—that really gets attention.

Many public radio stations—such as those in San Diego, Philadelphia, Boston, San Francisco—have become all news stations in their markets. Chicago is moving that way. NPR now has about 70 stations with full news staffs including news directors.

In the last five years, public radio has become much more of a news-driven system. That's where the largest listening audience is. It didn't used to be that way. There's a greater demand for news coverage in public radio now than there has ever been, locally and nationally.

Some local public stations are hiring people out of school—mostly journalism graduates. They may work locally for three or four years, filing material for the network, then apply to NPR. From there, who knows?

Like Don Fitzpatrick, Mr. Buzenberg is interested in people who have a "really specific knowledge of one area, like economics or international relations or history—an area where they really have something specific to bring to it besides broadcasting. We assume they can do broadcasting, and assume, too, that they're going to be good writers. But when they have something extra, like a specific interest in environmental reporting, that looks real good to us."

Well, that's the news from the jungle, and to be sure not much has changed since the first article in this series (*It's a Jungle Out There*) appeared in last summer's issue. It's still a jungle out there no matter who you are or where you work. And we're not out of the woods yet. Non-Broadcast Industrials, jingles, sound recordings, job opportunities outside the major markets, what AFTRA Locals are doing to help AFTRA members find jobs—see what you have to look forward to?

Stay tuned. ■